

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

PART V.

**WHEELCHAIR INTERFACILITY TRANSPORT SERVICES, VEHICLES AND
PERSONNEL STANDARDS.**

12 VAC 5-31-2000. Wheelchair interfacility transport service licensure.

A. General provisions.

1. No person may establish operate, maintain, advertise or represent himself or herself, any service or any organization as a wheelchair interfacility transport service without a valid license or in violation of the terms of a valid license issued by the Office of EMS.
2. A person holding a wheelchair interfacility transport service license must operate, at a minimum, one wheelchair interfacility transport vehicle.
3. Wheelchair interfacility transport services, vehicles, or personnel based outside this Commonwealth receiving a person within this Commonwealth for transportation to a location within this Commonwealth must comply with the regulations.
4. These regulations have general application throughout the Commonwealth for wheelchair interfacility transport services and applicants for wheelchair interfacility transport service licensure.

B. A person may not apply to conduct business under a name that is the same as, or misleadingly similar to, the name of a person licensed or registered by the Office of EMS. Further, no person may advertise for services other than those for which the wheelchair interfacility transport service is licensed, or imply such services in the service name.

C. Each wheelchair interfacility transport service shall provide for a publicly listed telephone number to receive calls for service from the public within its regular operating area. This number is required to be answered by a person during all

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

periods when the wheelchair interfacility transport service has advertised its availability or has vehicles in operation.

Exception: any wheelchair interfacility transport service that limits its services to scheduled transports between specified health care facilities are not required to provide for a publicly listed telephone number. However, the wheelchair interfacility transport service shall provide for a telephone number and must make this number known to the unique population it serves.

D. A wheelchair interfacility transport service providing service to the public shall ensure that service is available during all periods when the wheelchair interfacility transport service has advertised its availability.

E. A wheelchair interfacility transport service must not discriminate due to the passenger's race, creed, gender, color, national origin, location or medical condition or any other reason.

12 VAC 5-31-2010. Application and issuance of wheelchair interfacility transport service license.

A. An applicant for a wheelchair interfacility transport service license must file a written application specified by the Office of EMS.

B. The Office of EMS may use whatever means of investigation necessary to verify any or all information contained in the application.

C. The Office of EMS will determine whether an applicant or licensee is qualified for licensure based upon the following:

1. Any applicant or licensee must meet the personnel requirements found in these regulations.
2. If the applicant is a company or corporation, as defined in §12.1-1 of the Code of Virginia, it must clearly disclose the identity of its owners, officers and directors.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

3. Any previous record of performance in the provision of wheelchair interfacility transport service or any other related licensure, registration, certification or endorsement within or outside Virginia.

4. Availability of sufficient resources (such as personnel and equipment) for the provision of the proposed service in compliance with these regulations.

5. A statement of approval for the wheelchair interfacility transport service's operations from the governing body of the jurisdiction where the service maintains its primary office. Evidence of the governing body's approval to operate within its jurisdiction may take the form of a valid business license, permit, franchise or other documentation of operating authority. If a wheelchair interfacility transport service maintains its primary office outside of the Commonwealth, the service must maintain a place of operations in the Commonwealth.

D. All places of operation must be subject to and available for inspection by the Office of EMS for compliance with these regulations. This inspection may be in addition to any other federal, state, or local inspections required by law. The inspection may include any or all of the following:

1. All fixed places of operations, including all offices, stations, repair shops or training facilities.
2. All applicable records maintained by the applicant service;
3. All wheelchair interfacility transport vehicles used by the applicant service.

E. Issuance.

1. A wheelchair interfacility transport service license may be issued by the Office of EMS provided both of the following conditions are met:

- a. All information contained in the application is complete and correct.
- b. The applicant is determined by the Office of EMS to be qualified for licensure in accordance with these regulations.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

2. The applicant will be notified in writing of the disposition of the application upon receipt of the completed application and required supporting documents.

3. The issuance of a license does not authorize any service to operate any vehicle without a franchise or permit in any county or municipality that has enacted an ordinance requiring one.

F. The wheelchair interfacility transport service license will include the following information:

1. The name and address of the wheelchair interfacility transport service;
2. The expiration date of the license; and
3. Any special conditions that may apply.

G. Wheelchair interfacility transport service licenses will be issued and remain valid with the following conditions:

1. Wheelchair interfacility transport service licenses are valid for a period of two years from the last day of the month of issuance unless and until revoked or suspended by the Office of EMS.
2. Wheelchair interfacility transport service licenses are not transferable.

H. A wheelchair interfacility transport service license renewal may be granted following an inspection as set forth in these regulations based on the following conditions:

1. The renewal inspection results demonstrate that the service complies with these regulations.
2. There have been no documented violations of these regulations that preclude renewal.

I. Should the Office of EMS be unable to take action on an application for renewal of a license prior to expiration, the license will remain in effect until such time as the Office of EMS completes processing of the renewal application.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

J. An application for new wheelchair interfacility transport service licensure or renewal of a wheelchair interfacility transport service license may be denied by the Office of EMS if the applicant or service does not comply with these regulations.

K. Termination of service by a wheelchair interfacility transport service requires the service to surrender the wheelchair interfacility transport service license.

1. A wheelchair interfacility transport service must notify the Office of EMS at least 30 days in advance of its intention to discontinue service. Written notice of intent to terminate service shall include verification that a notice of its intent to discontinue service has been published in a newspaper of general circulation in its service area.

L. Within 30 days following the termination of service, the wheelchair interfacility transport service must:

1. Return the wheelchair interfacility transport service license and all associated vehicle permits to the Office of EMS.
2. Remove all signage or insignia that advertise the availability of wheelchair interfacility transport services to include but not be limited to facility and roadway signs, vehicle markings and uniform items.
3. Provide for maintenance and secure storage of required service records for a minimum of five years from the date of termination of service.

M. Failure of a wheelchair interfacility transport service to comply with these regulations may result in the denial of a future application for wheelchair interfacility transport service licensure or an enforcement action, or both.

12 VAC 5-31-2020. General requirements governing service operations.

A. The wheelchair interfacility transport service is responsible for ensuring that all wheelchair interfacility transport vehicles and associated wheelchair interfacility transport service personnel comply with these regulations, the Motor Vehicle

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

Code, the Child Labor Laws and the Virginia Occupational Safety and Health Law.

B. All wheelchair interfacility transport services must comply with the following requirements.

1. The service must maintain a fixed physical location. Any change in the address of this location requires notification to the Office of EMS before relocation of the office space.

2. The following sanitation measures are required at each place of operation in accordance with standards established by the Centers for Disease Control (CDC) and the Virginia Occupational Safety and Health Law:

- a. All areas used for storage of equipment and supplies must be kept neat, clean and sanitary.

- b. All soiled supplies and used disposable items must be stored or disposed of in plastic bags, covered containers or compartments provided for this purpose. Regulated waste must be stored in a red or orange bag or container clearly marked with a biohazard label.

C. A wheelchair interfacility transport service is responsible for the preparation and maintenance of the following:

1. Records and reports must be stored in a manner to assure reasonable safety from water and fire damage and from unauthorized disclosure to persons other than those authorized by law.

2. The following records must be maintained at the primary place of operation or a secured storage facility, for a period of not less than five years:

- a. Current personnel records, including a file for each wheelchair interfacility transport service member or employee, that provide documentation of qualifications for the positions held.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

b. Records for each vehicle currently in use to include maintenance reports, valid vehicle registration, safety inspections, vehicle insurance coverage, and any reportable motor vehicle collision as defined by the Motor Vehicle Code.

c. Records of wheelchair interfacility transport service activity including call reports that specifically identify the vehicle operator, dispatch records and summary data for a period of not less than five years.

3. Each wheelchair interfacility transport service must submit a complete service status report to the Office of EMS providing requested information within 30 days of request on a form prescribed by the Office of EMS. The form will include the following and other information as required:

This report must list all personnel affiliated to include name, social security number or equivalent federal identification number, mailing address, home telephone numbers and other electronic addresses. The list must specifically identify the chief executive officer and chief operations officer and include, if applicable, their work numbers.

4. Each wheelchair interfacility transport service must have readily available a current copy of these regulations for reference use by its officers and personnel.

E. Insurance.

1. Each wheelchair interfacility transport service must have in effect and be able to furnish proof on demand of contracts for vehicular insurance coverage that must meet or exceed the minimum requirements as set forth in § 46.2-472 of the Code of Virginia.

2. Nothing in this section prohibits authorized governmental agencies from participating in authorized "self-insurance" programs as long as the programs provide for the minimum coverage levels specified.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

F. Display of license. The wheelchair interfacility transport service license must be publicly displayed in the primary office space of the wheelchair interfacility transport service and a copy displayed in each other fixed place of operations.

12 VAC 5-31-2030. Wheelchair interfacility transport vehicle permitting.

A. No person may operate or maintain any motor vehicle as a wheelchair interfacility transport vehicle without a valid permit or in violation of the terms of a valid permit.

B. The wheelchair interfacility transport service must file written application for a permit on forms specified by the Office of EMS.

C. The Office of EMS may verify any or all information contained in the application before issuance.

D. The Office of EMS will inspect the wheelchair interfacility transport vehicle for compliance with these regulations.

E. A wheelchair interfacility transport permit will be issued as follows:

1. The application may be approved and a permit may be issued for the wheelchair interfacility transport vehicle by the Office of EMS provided all of the following conditions are met:

- a. All information contained in the application is complete and correct;
- b. The applicant is a wheelchair interfacility transport service licensed by the Office of EMS;
- c. The wheelchair interfacility transport vehicle is registered or permitted by the Department of Motor Vehicles; and
- d. The inspection meets the minimum requirements as defined in these regulations.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

2. The issuance of a permit does not authorize any person to operate a wheelchair interfacility transport vehicle without a franchise in any county or municipality that has enacted an ordinance requiring it.

F. The wheelchair interfacility transport vehicle permit will include but not be limited to the following information:

1. The name and address of the Service;
2. The expiration date of the permit; and
3. Any special conditions that may apply.

G. Wheelchair interfacility transport vehicle permits will be issued and remain valid with the following conditions:

1. A regularly issued wheelchair interfacility transport vehicle permit is valid for a period coincident with the wheelchair interfacility transport service license unless and until revoked or suspended by the Office of EMS.
2. Wheelchair interfacility transport vehicle permits are not transferable under any circumstances.

H. Renewal of a wheelchair interfacility transport vehicle permit may be granted without reapplication if the wheelchair interfacility transport service and wheelchair interfacility transport vehicle comply with these regulations.

1. Should the Office of EMS be unable to take action on renewal of a wheelchair interfacility transport vehicle permit before expiration, the permit will remain in effect until the Office of EMS completes processing of the renewal application.

I. The permit must be affixed on the vehicle to be readily visible and in a location and manner specified by the Office of EMS. A wheelchair interfacility transport vehicle may not be operated without a properly displayed permit.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

J. A wheelchair interfacility transport vehicle may not be marked to indicate a type of service other than that for which it is permitted.

12 VAC 5-31-2040. Denial of a wheelchair interfacility transport vehicle permit.

A. An application for a wheelchair interfacility transport vehicle permit will be denied by the Office of EMS if any conditions of these regulations fail to be met.

B. In the event that a permit is denied, the Office of EMS will notify the applicant or licensee of the denial in writing.

12 VAC 5-31-2050. Wheelchair interfacility transport vehicle requirements.

A. Each wheelchair interfacility transport vehicle must be maintained in good repair and safe operating condition and shall meet the same motor vehicle safety requirements as apply to all vehicles in Virginia:

1. State motor vehicle safety inspection must be current.
2. Exterior surfaces of the vehicle including windows, mirrors, warning devices and lights must be kept clean of dirt and debris.

B. All occupants must use mechanical restraints while the vehicle is in motion as required by the Code of Virginia.

All equipment and supplies must be secured in place to prevent movement while the vehicle is in motion.

C. The following requirements for sanitary conditions and supplies apply to all wheelchair interfacility transport vehicles in accordance with recommendations and standards established by the Centers for Disease Control and Prevention (CDC) and the Virginia Occupational Safety and Health Law:

1. The interior of the wheelchair interfacility transport vehicle, including all storage areas, equipment, and supplies must be kept clean and sanitary.
2. Waterless antiseptic handwash must be available on the unit.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

3. Following transport and before being occupied by another passenger, all contaminated surfaces must be cleaned and disinfected using a method recommended by the Centers for Disease Control. Cleaning and disinfection supplies must be carried on each vehicle.

4. All soiled supplies and used disposable items must be stored or disposed of in plastic bags, covered containers or compartments provided for this purpose. Red or orange bags must be used for regulated waste.

D. All wheelchair interfacility transport vehicles are subject to, and available for, inspection by the Office of EMS or its designee, for compliance with these regulations. Inspections are in addition to other federal, state, or local inspections required for the wheelchair interfacility transport vehicle by law. The Office of EMS may conduct inspection at any time and without prior notification.

12 VAC 5-31-2060. Wheelchair interfacility transport vehicle specifications.

A. Capabilities. The wheelchair interfacility transport vehicles is intended for the transportation of a person in a wheelchair who requires transportation for nonemergency purposes between medical care facilities.

1. A passenger who requires emergency medical services, transport on a stretcher or transport in a supine position must not be transported in a wheelchair interfacility transport vehicle.

2. A wheelchair interfacility transport vehicle must not be used for emergency transportation.

B. Dimensions and construction. All wheelchair interfacility transport vehicles must be constructed to provide sufficient space for safe storage of all required equipment and supplies. All wheelchair interfacility transport vehicles must have a state motor vehicle safety inspection performed following completion of conversion and before the application for a wheelchair interfacility transport permit.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

1. A wheelchair interfacility transport vehicle must comply with the following:
 - a. Adequate height for safe passenger loading and transport in an upright position for the size and style of wheelchair in use.
 - b. A minimum width of 48 inches as measured from a distance 15 inches above floor level where the wheelchair is to be secured.
 - c. A minimum length of 60 inches as measured from the rear of the driver's seat to the rear door.
 - d. Interior surfaces must be designed for passenger safety. Protruding sharp edges and corners shall be padded.
 - e. All interior surfaces must be of a material easily cleaned and nonstainable. All aisles, steps, floor areas where people walk and floors in securement locations must have slip-resistant surfaces.
 - f. The door openings must include a passenger door for the loading or unloading of an occupied wheelchair on the right side or rear of the vehicle. This door opening must be a minimum of 56 inches measured from the top of the door opening and the raised lift platform or the highest point of a ramp to permit the loading and unloading of a person occupying any size or style of wheelchair.
 - g. A loading device, consisting of a mechanized lift or a ramp, must be provided to load and unload an occupied wheelchair. If a mechanized lift is used, the lift must be equipped with a barrier, 1.5 inches tall, to prevent any of the wheels of the wheelchair from rolling off the lift's platform during operation. The barrier must be in place and secure the passenger at all times that the platform is more than three inches above the ground. If a ramp is used, it must have raised edges and be securely fastened to the vehicle while in use.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

h. Safety and security restraints adequate to stabilize and secure any size or style of wheelchair transported must be provided. Safety and security devices must conform to the standards established by 49 CFR § 571.222, S5.4.1 to S5.4.4 (Rev. October 1, 1999), as amended.

i. Safety belts must be provided for all passengers including those transported in wheelchairs.

j. A climate environmental system must supply and maintain clean air conditions and a controlled temperature inside the passenger compartment.

2. Warning lights and devices. Wheelchair interfacility transport vehicles are prohibited from having any emergency warning lights or audible devices not approved by the Superintendent of Virginia State Police for a general passenger vehicle.

C. Vehicle markings general requirements.

Lettering. On a wheelchair interfacility transport vehicle the following must appear in permanently affixed lettering that is a minimum of three inches in height and of a color that contrasts with its surrounding background:

1. The name of the wheelchair interfacility transport service that the vehicle is permitted to must appear on both sides of the vehicle body.

a. This lettering may appear as part of an organization's logo or emblem as long as the service name appears in letters of the required height.

b. If the wheelchair interfacility transport service is also licensed by the Office of EMS as an EMS agency, the terms "Ambulance" or "Emergency Medical Service" or any combination of similar terms may appear on the vehicle only as a part of the service's name.

2. Any additional lettering, logos or emblems may appear on the vehicle at the discretion of the wheelchair interfacility transport service. The height of any additional lettering must be less than the lettering used for the service's name.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

- a. All additional lettering, logos or emblems may not advertise or imply the capability to provide emergency medical services (EMS).
- b. The Star of Life emblem may not appear on any wheelchair interfacility transport vehicle.

12 VAC 5-31-2070. General personnel requirements and standards of conduct.

A. All wheelchair interfacility transport personnel must meet and maintain compliance with the general requirements specified in subsections B through D of this section.

B. Personnel shall:

- 1. Be a minimum of 18 years of age.
- 2. Be clean and neat in appearance.
- 3. Be proficient in reading, writing and speaking the English language. English proficiency must be sufficient to allow the individual to clearly communicate with a passenger, family or bystanders. Personnel shall be able to read, write and speak the English language as necessary to perform all assigned duties.
- 4. Have no physical impairment that would render him or her unable to perform all required skills.
- 5. Have never been convicted or found guilty of any crime involving sexual misconduct where the lack of affirmative consent by the victim is an element of the crime, such as forcible rape.
- 6. Have never been convicted or found guilty of any crime (including abuse, neglect, theft from, or financial exploitation of a person entrusted to his care or protection) in which the victim is a patient or is a resident of a health care facility.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

7. Not have been convicted or found guilty of any crime involving the use, possession, or distribution of illegal drugs except that the person is eligible for affiliation five years after the date of final release if no additional crimes of this type have been committed during that time.

8. Not have been convicted or found guilty of any other act that is a felony except that the felon is eligible for affiliation five years after the date of final release if no additional felonies have been committed during that time.

9. Not, act as an operator if they have been convicted upon a charge of driving under the influence of alcohol or drugs, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to § 18.2-271.1, hit and run or operating on a suspended or revoked license within the past five years. Personnel having such a conviction, in Virginia or another state, are eligible for reinstatement after five years, without further convictions.

10. Not currently be under any disciplinary or enforcement action from the Office of EMS or another state EMS office, state regulatory agency or other recognized state or national healthcare provider licensing or certifying body. Personnel having this disciplinary or enforcement action may be eligible for service provided there have been no further disciplinary or enforcement actions for five years.

11. Have never been subject to a permanent revocation of license or certification by the Office of EMS or another state EMS office, state regulatory agency or other recognized state or national healthcare provider licensing or certifying body.

12. References to criminal acts or convictions under this section refer to substantially similar laws or regulations of any other state or the United States. When used in these regulations, a conviction includes prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

that would have been, at the time of conviction, a felony conviction if committed by an adult within or outside the Commonwealth.

C. Standards of conduct.

1. Wheelchair interfacility transport personnel shall comply with the requirements of these regulations.
2. Wheelchair interfacility transport personnel shall comply with all federal, state, and local laws applicable to their wheelchair interfacility transport operations.
3. Wheelchair interfacility transport personnel may not be addicted to or under the influence of any drugs or intoxicating substances while on duty;
4. Wheelchair interfacility transport personnel may not share or disclose medical information concerning the names, treatment or conditions of passengers transported. This information is confidential and may be disclosed only to:
 - a. Provide for the continuing medical care of the passenger;
 - b. Collect insurance payments due and then only to the extent necessary and authorized by the passenger or his representative;
 - c. Provide continuing education of wheelchair interfacility transport personnel who provide this assistance; and
 - d. Assist investigations conducted by the board, department or Office of EMS.
5. Wheelchair interfacility transport personnel may not represent themselves as authorized to perform any level of patient care.
6. Wheelchair interfacility transport personnel may not obtain or aid another person in obtaining a license, permit, certification, endorsement or designation through fraud, deceit, forgery or deliberate misrepresentation or falsification of information.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

7. Wheelchair interfacility transport personnel may not make false statements, misrepresentations to or willfully conceal information from the board, department, or Office of EMS.

8. Wheelchair interfacility transport personnel may not possess, remove, use or administer any narcotics, drugs, supplies or equipment from any EMS agency or wheelchair interfacility transport service, EMS or wheelchair interfacility transport vehicle, health care facility, academic institution or other location, without proper authorization.

9. Wheelchair interfacility transport personnel may not discriminate in the provision of service based on race, gender, religion, age, national origin, location or medical condition or any other reason.

10. Wheelchair interfacility transport personnel may not under any circumstances engage in sexual harassment of passengers or coworkers. Sexual harassment includes making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature as a condition of:

- a. The provision or denial of services to a passenger;
- b. The provision or denial of employment;
- c. The provision or denial of promotions to a coworker;
- d. For the purpose or effect of creating an intimidating, hostile or offensive environment for the passenger, or unreasonably interfering with a passenger's ability to recover; or
- e. For the purpose or effect of creating an intimidating, hostile, or offensive working environment or unreasonably interfering with a coworker's ability to perform his work.

D. Provision of services. Wheelchair interfacility transport personnel are expected to provide consistently high quality transportation to all passengers.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

1. Wheelchair interfacility transport personnel are responsible for providing only those services allowed within the scope of licensure of the wheelchair interfacility transport service with which they are operating.
2. During transportation, the passenger shall be transported in the passenger compartment of the vehicle involved.
3. Wheelchair interfacility transport personnel may not leave a passenger unattended at the destination facility without properly informing the facility staff of the passenger's arrival and location.
4. Wheelchair interfacility transport personnel may not leave a passenger unattended except while loading or unloading another passenger.

12 VAC 5-31-2080. Wheelchair interfacility transport vehicle personnel.

The following minimum wheelchair interfacility transport vehicle personnel requirements apply to all wheelchair interfacility transport vehicles:

1. Personnel serving as the operator of a wheelchair interfacility transport vehicle must be a minimum of 18 years of age.
2. It is the responsibility of each wheelchair interfacility transport service to ensure that adequate numbers of trained wheelchair interfacility transport personnel are available to perform all essential tasks necessary for provision of timely and appropriate transportation for all passengers.

12 VAC 5-31-2090. Exemptions.

- A. A wheelchair interfacility transport vehicle on January 1, 2003 must meet the requirements for vehicle construction in effect at the time the wheelchair interfacility transport vehicle was permitted.
- B. On January 1, 2003 a medical wheelchair transport vehicle (Class E) may be reclassified as a wheelchair interfacility transport vehicle.

VIRGINIA EMERGENCY MEDICAL SERVICES REGULATIONS

C. Existing forms, licenses, certificates and other materials may be used by the Office of EMS or modified as considered necessary by the Office of EMS until existing stocks are depleted.